

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:04cv474

BROWN

vs.

CAPITAL FIRST, et al.

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ORDER

**THIS MATTER** is before the Court on a number of pending motions filed by defendants relating to the original complaint and the first amended complaint in this matter. Since the filing of the motions, the plaintiff has filed a second amended complaint (Doc. No. 51) . Thus, it is no longer necessary for the Court to rule on the motions.

**IT IS, THEREFORE, ORDERED**, that the following motions are DENIED as moot:

Motion to Dismiss by Prescott Investments and Michael Todd (Doc. No. 4);

Motion to Dismiss by Capital First Corp. (Doc. No. 6);

Motion to Dismiss Amended Complaint by Capital First Corp. (Doc. No. 22);

Motion to Dismiss Amended Complaint by Prescott Investments and Michael  
Todd (Doc. No. 27);

Motion to Transfer Case by Capital First Corp. (Doc. No. 40); and

Motion to Extend Time to Reply by Capital First Corp. (Doc. No. 44).

The Clerk is directed to send copies of this Order to counsel for the parties.

**Signed: September 8, 2005**

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

